

LEE LITIGATION GROUP, PLLC

148 WEST 24TH STREET, EIGHTH FLOOR

NEW YORK, NY 10011

TEL: 212-465-1180

FAX: 212-465-1181

INFO@LEELITIGATION.COM

WRITER'S DIRECT: 212-661-1008
anne@leelitigation.com

June 29, 2020

Via ECF

The Honorable Valerie E. Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Veleva v. Tamburi Trattoria Ltd.*
Case No. 19-cv-10078

Dear Judge Caproni:

We are counsel to Plaintiff. We write in response to the Court's Order to Show Cause at Dkt. 18, and to respectfully request additional time to complete service of the Summons and Amended Complaint on Defendants.

Previously, following Plaintiff's filing of the Amended Complaint, on April 14, 2020 the Court accepted the filing *nunc pro tunc*, and ordered Plaintiff to serve Defendants promptly and post proof of service on ECF (Dkt. 17). While we have, since the Court's Order, attempted to serve the Summons and Complaint (both on the Defendants through our process server and by service on counsel to the Individual Defendant in a separate action), we have not been successful as of this date to effectuate proper service. However, we expect service to be effectuated shortly.

Due to the COVID-19 crisis, United Process Service ("United"), the service company we use to effectuate service, had temporarily closed and halted all operations due to Governor Cuomo's Executive Orders suspending non-essential businesses. Although New York City has recently qualified for Phase 2 reopening, we had followed up with United Process Service on June 19, and they confirmed that as of that date, they were still closed. United has informed us last week that they have begun to reopen, as of the middle of last week, and that they are slowly working through their service backlog. We have requested that they expedite service of the Summons and Amended Complaint in the instant action in view of the delay due to their closure.

In addition, we attempted to effectuate service by other means in view of United's closure, but to no avail. We had learned that the Individual Defendant is currently being sued for similar FLSA and NYLL violations in connection with different restaurants that he owns in the action *Sahiti v. Tarentum Ltd., et al.*, 19-cv-7377 (AT), currently pending in this District. We attempted to effectuate service by providing the Amended Complaint to Dunnington, Barthalow & Miller LLP, but have been informed by Robert Sweatnick, Esq. that he is not authorized to accept service on behalf of the Defendants in the instant action.

As a result, in light of the pandemic and service hold, and counsel's refusal to accept service, Plaintiff respectfully requests to extend the time by which Plaintiff has to serve the Summons and the Complaint for 30 days to July 29, 2020. We apologize for any service delay caused by the pandemic.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/ Anne Seelig

Anne Seelig, Esq.